



## **NAPTOSA**

**National Professional Teachers' Organisation of South Africa**

*Celebrating 10 years of service excellence to education in 2016*

### **ADDITIONAL ANNEXURE 1A: NAPTOSA RESPONSE TO FINAL REPORT BY TASK TEAM ON THE INVESTIGATION OF ALLEGATIONS INTO THE SELLING OF POSTS OF EDUCATORS BY SOME MEMBERS OF TEACHERS UNIONS AND DEPARTMENTAL OFFICIALS IN THE VARIOUS PROVINCIAL EDUCATION DEPARTMENTS**

#### **1. ACKNOWLEDGEMENTS AND GENERAL COMMENTS**

NAPTOSA wishes to record its acknowledgement to the MTT for the effort put into investigating this vexing problem of posts for sale, inappropriate appointments and corruption within the DBE/PED with undue influence on processes by parties.

Whilst one acknowledges the importance of the investigation one can hardly help but feel deflated at the outcome. NAPTOSA members have felt the brunt of these appointment shenanigans. Whilst painfully aware that most corrupt activities do not have a paper trail and that most evidence would be anecdotal in nature it is not automatic that this negates the nature, extent, the reality and the impact of these nefarious activities. The full impact of the undue influence of certain parties, whilst widely assumed cannot be easily proven to be undue.

NAPTOSA further wishes to express its discomfort at the report appearing to take a very negative view of unionism and unions to the point where it appears that a fair amount of 'union bashing' has crept in instead of clinical investigation and analysis of facts.

The MTT further, whilst acknowledging that the investigation was limited, recommends far reaching action such as the removal of SGB's from the promotions and appointment process. This ignores the fact that there are probably more exceptionally well performing SGB's than there are corrupt ones. It ignores the fact that many of the departmental appointees it suggests should now be in charge have achieved their promotion through the same rotten process of cadre deployment and promotion of friends and associates. A true case of appointing the wolf as shepherd.

NAPTOSA has always prided itself on the manner of our engagement and the professional activist role played by our observers to processes such as promotion and appointments. We have always seen our role as akin to a watchdog to prevent the DBE/PED and others from tainting the process with personal agendas. We reject the recommendation to the limit our role as observers.

An element of the report that NAPTOSA takes strong exception to, is the generalisations about education unions. As NAPTOSA, we would have no qualms if we or our members are specifically named, provided there is proof that we are guilty of improper conduct, but in the absence of such evidence, the Task Team should have refrained from generalizations. The following are examples from the report:

- “...domination by Unions has been made possible by the feeble and dilatory condition of Districts and Circuits.”
- “The deployment of officials to the Department from Unions weakens the Department...”
- “...aggressive unions...”
- “Teacher Unions at present carry the burden of supporting political movements...”
- “The **Free State MEC** regards Teacher Unions as a major problem because they “lack discipline” and play a role in “devaluing education”.”
- “..”The Task Team does not believe that other Unions are above placing their supporters in strategically advantageous positions.”
- “...education officials are in implicit collusion with the Unions to maintain a conspiracy of silence about the practice of buying and selling posts.”
- “This situation has allowed the Unions to use undue influence to the extent that the Department of Basic Education has lost control of two-thirds of the country.”

Also, the unfortunate manner in which the proceedings have been captured has probably exposed a number of complainants and witnesses to untold dangers. The fact that names are recorded in a public document and then no action is to be taken to the complaint is simply unacceptable and illogical.

Whilst accepting the report as an honest attempt to address a vexing problem, we do lament the tone and tenor of the report, the carte blanche approach taken with recommendations and opinions. It unfortunately sullies the report.

NAPTOSA wishes to respond as follows to the various recommendations of the Task Team:

## 2. RESPONSE TO RECOMMENDATIONS OF TASK TEAM

**RECOMMENDATION 1:** That the illegal actions by educators identified by the Task Team be reported to SAPS for further action and that the Minister engages her counterpart in the police to dedicate resources to this category of cases to ensure fair and expeditious resolution.

**Response:** The recommendation is supported, however, NAPTOSA suggests that SARS be involved and that lifestyle audits be done especially where strong anecdotal evidence exists but fear and intimidation restricts people from providing evidence.

Also that the DBE [*Employment of Educators Act 76 of 1998 as amended*] and SACE Code of Conduct be implemented to bring disciplinary actions against those who have been implicated.

**RECOMMENDATION 2:** That disciplinary action be taken against those officials who had the responsibility to check acts of corruption but failed to do so.

**Response:** Suggest that before such action an investigation be done to determine why officials did not act as required by legislation and then follow the recommendation.

**RECOMMENDATION 3:** That action be taken quickly to protect whistle-blowers. We recommend a dedicated project across competent authorities to investigate and act on all cases for a defined period.

**Response:** Whistle-blowers are crucial in the fight against corrupt practices in the public service and must receive the necessary protection. Unfortunately the report has named individuals thus exposing them to the wrath of the very miscreants we want to bring to book. The recommendation is therefore supported.

**RECOMMENDATION 4:** That the Department of Basic Education regain control of administering and managing the education system in all Provinces so that clear distinctions are established between the roles and functions of the DBE and the concerns of Teachers' Unions.

**Response:** NAPTOSA supports the recommendation. It is vital for the success of education in South Africa that the DBE reclaims control over the education system. This does not mean that NAPTOSA will not disagree with the Department on matters, but as always this will be done in a spirit of constructive participation and

debate. NAPTOSA is committed to an education system in which its members will be able to compete fairly within laws, provisions and procedures over which the DBE has full control and that prevents the influence of external parties.

**RECOMMENDATION 5: That the Minister requires all Provinces to complete and implement their delegations frameworks in line with the Cabinet approved 2013 Public Administrations delegations frameworks and that the Minister adjust the Education sector legislation accordingly.**

**Response:** Recommendation is supported

**RECOMMENDATION 6: That the powers of School Government Bodies to make recommendations for the appointment of post level 2 and above be taken away and that the South African Schools Act and the Employment of Educators Act be amended to reflect this.**

**Response:**

NAPTOSA agrees with the findings but NOT with the above recommendation of the Task Team. Whilst there are many SGBs that are dysfunctional or have been hijacked by certain interest groups (unions), there are as many, if not more, who function perfectly well.

If the recommendation is understood correctly it means that it will be acceptable for the very same dysfunctional/hi-jacked SGBs to be involved in the appointment of PL1 educators, but not the filling of PL2 positions and above. This makes no sense.

NAPTOSA believes that if there is a genuine will to deal with this scourge that is impacting on appointments and promotions then we MUST ensure that existing policies and collective agreements are adhered to, where one organization no longer dominates the system and the neutrality of decision makers are guaranteed.

NAPTOSA is aware that sufficient legislation, policies and grievance procedures in respect of the role of Unions in appointments and promotions exists for aggrieved parties to report non-compliance and deviations. The collective agreements in the ELRC speak to these issues. All stakeholder parties to these processes need to be educated on these issues instead and be held accountable for non-compliance.

NAPTOSA reaffirms that SGBs do have a role to play in the governance of schools and that they should not be discarded, instead, their role in appointments and promotions should be strengthened with regular meaningful training, monitoring and evaluation.

**RECOMMENDATION 7:** That principals be selected by panels which have the resources to evaluate the competence and suitability of the candidates for their leadership and management as well as their academic, experiential and professional abilities. The panels should include educators of suitable rank and experience. The pre-interviewing testing of candidates should occur and the results should be available to the panel members. The interviewing panels should be convened by the District Managers and a Departmental representative should be present as a suitably prepared Resources Person, having for example, full details of the schools for which the interviews are being held.

**Response:**

This response is largely in line with NAPTOSA's response to Recommendation 6. Furthermore we are NOT in favour of peer review panels and provincial (PED) panels as this will just make the process extremely cumbersome.

If, in terms of your findings, provincial departments are in many cases saturated with deployments from certain unions, the appointment/promotion processes will continue to be undermined if departmental officials were to have a final say in these matters. The suggestion that many of the departmental appointees who themselves have achieved their promotion through the same rotten process of cadre deployment and promotion of friends and associates ***should now be in charge*** is preposterous. It will be a true case of appointing the wolf as shepherd.

This recommendation is therefore NOT supported by NAPTOSA.

**RECOMMENDATION 8:** It should not be possible for a person to be promoted to principal from a post-level 1 position. Insofar as this happens at present, regulations should prohibit it.

**Response:** NAPTOSA gives qualified support and recognition to the task team recommendation that a principal is first and foremost a manager and for that purpose needs the requisite knowledge and experience that can only be gained by serving in lower managerial positions in schools. However, this is a process that must be undertaken by the Education Labour Relations Council (ELRC), after due recognition is given to the fact that all historical inequalities in accessing senior posts have been removed.

**RECOMMENDATION 9:** That the observer status of Unions be renegotiated with respect to the recruitment process.

**Response:**

As a (politically) non-aligned union NAPTOSA does not participate in a system of cadre deployment. If the findings of the Commission, that cadre deployment results in people without the requisite skills, abilities and commitment serving in key areas of the system or else giving more attention to (party political/union) organizational matters than their jobs as office-based educators, are correct, NAPTOSA fully endorses the recommendation of the Commission in this regard.

NAPTOSA believes that sufficient legislation, policies and grievance procedures in respect of the role of Unions in appointments and promotions exists for governing body members to report non-compliance and deviations. The collective agreements in the ELRC speak to these issues. SGBs need to be educated on these issues instead.

As for the right of unions to observe shortlisting and interview processes are concerned, NAPTOSA has always regarded the right to be limited to ensuring that these processes are conducted fairly. If, however, this right has been abused by some unions to formally and informally influence outcomes of these processes (including the altering of scores inside or outside meetings), NAPTOSA is in full support of the tightening of the relevant collective agreements. We will, however, not support the removal of the right to observe.

**RECOMMENDATION 10: That those whose are appointed to Districts and provincial offices should be required prior to appointment to demonstrate their capacity to carry out the job for which they have applied. There should be neither political appointments nor cadre deployments. People in these posts should be accountable to their employer and be assessed regularly.**

**Response:** NAPTOSA supports the recommendation. If provincial offices and districts are staffed by skilled and competent officials the education system as a whole will benefit and quality education can be achieved.

**RECOMMENDATION 11: That both school and office based educators cease to be office bearers of political parties and to avoid the undesirability of conflict of interest educators in management posts (including school principals) should not occupy leadership positions in Teachers' Unions.**

**Response:**

For obvious reasons it cannot be expected of NAPTOSA to support this recommendation. Our members who are office-bearers play a vital role in the union. If it is found, however, that their membership of NAPTOSA interferes with their objectivity so that they act improperly in the execution of their departmental



functions, the DBE or provincial department should take appropriate action against them. This has obviously not been true with regard to the membership of all unions, hence the recommendation by the Commission.

A union for office-based educators will not solve the problem identified by the Commission. The number of office-based educators is too small for the establishment of a viable union that will qualify for admission to the ELRC. This will require the union to seek a working together arrangement with another union or unions and, depending on which union(s) this is, one could find a perpetuation of the current situation.

If appointments and promotions are to be dealt with by independent external organizations as proposed by NAPTOSA (until a situation is reached where there is sufficient proof that office-based educators are able to operate in an unbiased manner), the identified problem would be taken care of.

**RECOMMENDATION 12: That it seems desirable that separate and distinct Unions be established for office based educators.**

**Response:** NAPTOSA questions whether such recommendations are warranted and it was part of the brief

**RECOMMENDATION 13: That measures be put in place to ensure that the practice of cadre deployment into DBE offices and schools ceases entirely**

**Response:** As a (politically) non-aligned union NAPTOSA does not participate in a system of cadre deployment. If the findings of the Commission, that cadre deployment results in people without the requisite skills, abilities and commitment serving in key areas of the system or else giving more attention to (party political/union) organizational matters than their jobs as office-based educators, are correct, NAPTOSA fully endorses the recommendation of the Commission in this regard.

**RECOMMENDATION 14: That the DBE and the DHET, with universities and other stakeholders, lead ongoing discussions aimed at developing a broad-based philosophy of education, consistent with our history and Constitution, which will underpin the education and training of educators and shape the practice of education in public schools throughout South Africa.**

**Response:** NAPTOSA supports the recommendation although it is believed that unions in education should also be invited to participate in the debate.

**RECOMMENDATION 15: That the roles South African Council of Educators (SACE) be ...**

**Response:** None

**RECOMMENDATION 16: That SACE releases to the Minister its full Report on the buying and selling of posts when completed.**

**Response:**

If there is a SACE report that will strengthen the findings of the Commission to eventually lead to an overhaul of the recruitment and promotion regimes in education, it is important that the report be released. It is, however, equally important that all relevant parties be given an opportunity to respond to the report before its release

**\*\*\*\*\*END OF NAPTOSA RESPONSE\*\*\*\*\***